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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF TEXAS**

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CAROLYN S. MITCHELL

Plaintiff,

*versus*

POSTMASTER GENERAL, LOUIS

DEJOY,

Defendant.

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§CIVIL ACTION NO. 1:13-CV-00718-MAC-  
ZJH**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On December 17, 2013, the court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters pursuant to a standing order. Pending before the court is Defendant Postmaster General's "Motion to Dismiss or Alternatively, Motion for Summary Judgment" ("Motion for Summary Judgment") (#119). Plaintiff Carolyn Mitchell filed a pending "Motion for Leave to File Objections to Defendant's Motion for Summary Judgment" (#121), and a pending "Motion Request for Trial by Jury" (#124), which the magistrate judge collectively construed as Mitchell's "Response." On October 24, 2022, the magistrate judge issued his Report and Recommendation (#128), recommending that the District Court grant the Postmaster General's Motion for Summary Judgment (#119). The court has received and considered the report. The parties have not filed objections to the report and recommendation, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1)(C).

It is therefore **ORDERED** that the report and recommendation of the magistrate judge (#128) is **ADOPTED**. Defendant Postmaster General's Motion for Summary Judgment (#119) is **GRANTED**. The court will issue a Final Judgment separately.

SIGNED at Beaumont, Texas, this 29th day of November, 2022.

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE